



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Si-Hyoung Lee, et al.

Serial No.: 10/613,855

Filed: July 3, 2003

For: TRANSPOSON-MEDIATED RANDOM CONDON-BASED MUTAGENESIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This is in response to the outstanding Office Action dated June 15, 2005.

Applicant respectfully elects Group I, inclusive of claims 1-9, under 35 USC 121 for prosecution on the merits.

In addition to the above election, Applicant elects the sub-group A2 i.e., "Tn7" as the transposon; the species B1 "random" in the nucleotide sequence sub-group B; and "enzymes" in the target sub-group C with claims 1-9 readable on Applicant's elected species.

Applicant acknowledges that the election of a single disclosed species for prosecution on the merits shall be restricted if no generic claim is finally held to be allowable.

Applicant also acknowledges that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims for additional species which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.

Nevertheless, Applicant traverses the rejection of the Examiner requesting Applicant to elect a single disclosed species. Applicant does not consider the species to be patentably distinct. For example, the transposons of sub-group A as recited in claim 4 are obvious variants in that they are transposons having remission cites for a restriction enzyme at both ends thereof as is required in the subject invention. In fact, any transposons can be interchangeably used for the transposons in the present invention insofar as they have recognition sites for a restriction enzyme at both ends thereof as is described in claim 1.

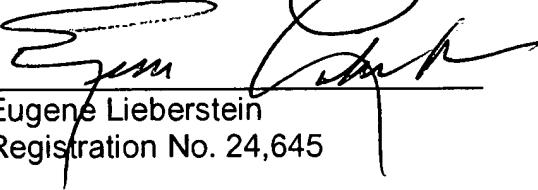
In the case of the nucleotide sequences of sub-group B, they are obvious variants since any random or specific nucleotide sequence consisting of three nucleotides can be used as substituted nucleotides in the method of the invention.

In the case of the target, even if the proteins listed in claim 7, have different structures and mode of action, they are obvious variants within the purview of the present invention because the present invention employs the proteins only as a source of target DNA for mutagenesis. The specific structure and mode of action of a respective target DNA will not influence the result of the present invention,

simply by substitution of an amino acid at the respective amino acid residues of the polypeptide and encoded by the target DNA.

Accordingly, applicant respectfully requests the requirement for an election of a single disclosed species to be withdrawn.

Respectfully submitted
Associate Attorney for applicants,

By: 
Eugene Lieberstein
Registration No. 24,645

Dated: July 15, 2005

CUSTOMER NO. 01109

Anderson Kill & Olick, PC
251 Avenue of the Americas
New York, NY 10020-1182
(212) 278-1000

CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 15, 2005.

Audrey De Souza (Typed or printed name of person mailing paper or fee)

Audrey De Souza (Signature of person mailing paper or fee)